

REMARKS

Claims 1-22, 26, and 28 have been amended to better define that which the Applicant considers to be the invention. Claims 1-28 are pending.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 11-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fischer (EPO 0 638 860 A2). This rejection is respectfully traversed.

The standards utilized in a section 102 rejection are well known. For a prior art reference to support a section 102 rejection, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In addition, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With regard to independent claim 1, the Examiner attempts to explain how the teachings of European Patent Application Publication Number: 0638860A2 (hereinafter "Fischer") anticipates the features of claim 1. Fischer teaches digitally signing critical portions of an object cell (column 5, lines 38-42), wherein the object cell is a stored data structure containing a collection of object instances whose execution has been suspended (column 4, lines 8-13). Fischer further teaches that the critical portions of each object instance contained within the object cell must be bound to at least one compatible version of a corresponding object class program definition (column 5, line 55-column 6, line 2). Contrary to Fischer, the presently claimed invention deals with digitally signing and sealing a snapshot of a live object that is instantiated in a runtime environment. Furthermore, in the presently claimed invention, the snapshot of the live object includes the state of the live object. The state of the live object does not include a corresponding object class program definition as required by Fischer. Accordingly,

Fischer does not teach "taking a snapshot of the object," wherein the object referred to is a live object.

Claim 1 has been amended to clarify that the object is a live object instantiated in a runtime environment. Furthermore, claim 1 has been amended to clarify that taking a snapshot is performed by serializing the live object. Therefore, since Fischer does not teach signing a live object or taking a snapshot of a live object by serializing the live object, Fischer does not anticipate the features of claim 1. Hence, claim 1 is not disclosed or suggested by the cited prior art for at least the reasons discussed above. As such, dependent claims 2-10 are also allowable over the cited prior art. In addition, Applicants submit that claim 11 is allowable for at least the same reasons as claim 1.

Consequently, Applicant respectfully submits that the Fischer reference does not disclose all of the features of claims 1 and 11 and respectfully requests that the Office withdraw the section 102 rejection. The dependent claims are submitted to be allowable for at least the same reasons as the independent claims.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 5-7, 15-17, and 22 under 35 USC § 103(a) as being unpatentable over Fischer in view of Schneier (Applied Cryptography). This rejection is respectfully traversed. To support a section 103 rejection, the cited prior art references must disclose or suggest all of the features of the claimed inventions. Applicant respectfully submits that the cited prior art references does not disclose or suggest all of the features of the claimed inventions and therefore fails to make a prima facie showing of a section 103 rejection.

Applicant respectfully submits that Fischer neither discloses or suggests the features of independent claim 22 because, as can be seen from the discussion above in reference to the section 102 remarks, Fischer does not disclose a first module of program code executing on a computer configured to take a snapshot of a live object, wherein said snapshot is a serialization

of a state of said live object. Applicant submits that the Schneier reference also does not disclose or suggest the above feature. Accordingly, Applicant respectfully submits that claim 22 is not obvious from Fischer in view of Schneier because Fischer and Schneier individually or in combination do not disclose or suggest all of the features of claim 22. As a result, Applicant respectfully submits that the Office has failed to make a prima facie showing of obviousness as is required in a section 103 rejection. Applicant further submits that dependent claims 23-28 are allowable for at least the same reasons as independent claim 22.

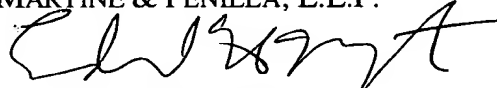
In addition, independent claims 1 and 11 are not rendered obvious for at least the reasons stated above because all of the features of the independent claims are not disclosed or suggested by the cited prior art references. In addition, Schneier fails to remedy the flaws of the Fischer reference stated above. Thus, Applicant submits that claims 5-7 and 15-17 are patentable for at least the same reasons as independent claims 1 and 11.

Claims 8-10 and 18-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Chaplin (U.S. Patent No. 5,315,655). This rejection is traversed. Applicant respectfully submits that Fischer in view of Chaplin does not disclose or suggest all of the features of independent claims 8 and 18 and therefore fails to make a prima facie showing of a section 103 rejection.

Claims 8 and 18 as amended now depend from claims 1 and 11 respectively. Therefore, for the reasons indicated above, Fischer does not disclose or suggest all of the features of claims 8 and 18. Applicant submits that Chaplin does not cure the deficiencies of Fischer and therefore Applicant respectfully submits that independent claims 8 and 18 are allowable because Fischer and Chaplin, either alone or in combination do not disclose or suggest all of the features of independent claims 8 and 18. Thus, Applicant respectfully submits that the Office has failed to make a prima facie showing of obviousness as is required in a section 103 rejection. In addition, all of the dependent claims are submitted to be patentable for at least the same reasons as independent claims 8 and 18 are patentable over the cited art of record.

The Applicant submits that the pending claims are in condition for allowance. A notice of allowance is respectfully requested. If the Examiner has any questions, the Examiner is kindly requested to contact the undersigned at (408) 749-6900. If any additional fees are due in connection with the filing of this paper, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP043C).

Respectfully submitted,
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